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LETTER DATED 21 MAY 1992 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a statement prepared by the United States Department of State in response to allegations made by the Government of Cuba.

I request you to arrange for this letter and its annex to be circulated as a document of the Security Council.

(Signed) Edward J. PERKINS
Ambassador
Representative of the
United States of America

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Annex

The United States has neither supported nor condoned the illegal activities of Orlando Bosch. In fact, just the opposite is true. In 1968, Mr. Bosch was tried by United States authorities and was convicted of firing a large gauge rifle at a Polish freighter in the Port of Miami. At that time he was also tried for and convicted of using the telegraph to convey terrorist threats to the political leaders of Mexico, Spain and the United Kingdom. He was sentenced to 10 years in prison for these activities. He was paroled in 1972 and in 1974 fled the United States in violation of the terms of his parole. When he illegally re-entered the United States in 1988 the United States imprisoned him for parole violations, and ordered his exclusion from the United States.

Cuba attached to its letter to the President of the Security Council the decision of the Acting Associate Attorney General, finding that Orlando Bosch is excludable from the United States and ineligible for asylum based on his past involvement with terrorist organizations and activities. Cuba notes that the Acting Associate Attorney General based his decision, inter alia, on information reflecting that "the October 6, 1976 Cuban airline bombing was a CORU operation under the direction of Bosch".

Immigration proceedings in the United States are civil, not criminal, proceedings. Under United States law, a person cannot be held criminally accountable until a criminal trial has been held and proof of guilt beyond a reasonable doubt established. In a civil case, a lesser degree of proof is required, as the personal liberties of the individual are not at stake. Here the evidence - which took into account a wide variety of information from various sources - was sufficient to support a conclusion of excludability and ineligibility for asylum in an immigration proceeding, but not necessarily sufficient to establish criminal culpability for any particular act.

In the criminal proceedings related to the 1976 bombing held in Venezuela, Orlando Bosch was incarcerated for over 10 years pending trial, but was ultimately acquitted. The State Department has no record of having received a request for evidence or testimony from the Government of Venezuela in connection with the criminal trial. The countries which Cuba lists as having submitted information to the Venezuelan Court were those countries with some connection to the crime - i.e., those where the crime occurred, where the suspects were arrested or whose nationals were victims. The Venezuelan authorities apparently found that the United States was unlikely to have any useful information that the Venezuelan authorities did not already possess.

Also contrary to what Cuba alleges, the United States did not authorize Orlando Bosch to enter its territory after the bombing. In 1987 the United States denied applications on his behalf for both immigrant and non-immigrant visas. However, without the knowledge and permission of the United States Government, he illegally entered the United States without proper documentation in 1988. Upon learning of his presence in the United States,

United States authorities took him into custody and incarcerated him for parole violations. Although he has served his prison term, he has not been released into society. Because he was found ineligible to remain in the United States, he remains in its custody. He lives at his residence in Miami with restrictions on his movements and activities.

The United States has not deported Mr. Bosch to Cuba because he would almost certainly be executed by the Cuban Government, which, according to information available to the United States, has already tried him in absentia for the 1976 bombing and has sentenced him to death.

Luis Posada Carriles, to our knowledge, is not in the United States.

Finally, the United States categorically denies that the United States Central Intelligence Agency or any other agency of the United States Government had any involvement whatsoever in the bombing. That Cuba would even make such a charge is further evidence that its request for a Security Council meeting on this matter is not a serious attempt to combat international terrorism, but rather a propaganda ploy aimed at attacking the United States in any way possible.